

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MALKA RABINOWITZ, :
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Plaintiff, :
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-v- : 19-CV-9536 (JMF)
:
EQUIFAX INFORMATION SERVICES, LLC et al., : ORDER
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Defendants. :
:
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JESSE M. FURMAN, United States District Judge:

The Court having been advised at ECF No. 13 that all claims asserted against Defendant Equifax Information Services, LLC (“Equifax”) have been settled, it is ORDERED that the claims against Equifax and Equifax alone be and are hereby DISMISSED and discontinued without costs, and without prejudice to the right to reopen the action as to Equifax **within sixty days** of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen **must** be filed by the aforementioned deadline; any application to reopen filed thereafter may be denied solely on that basis. Further, if the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they **must** submit the settlement agreement to the Court by the same deadline to be “so ordered” by the Court. Per Paragraph 4(B) of the Court’s Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

The Court further notes that, although Plaintiff filed her Complaint with the Court on October 16, 2019, *see* ECF No. 1, and Defendant Citibank, N.A. (“Citibank”) was served with the Complaint on October 18, 2019, *see* ECF No. 7, to date, Citibank has neither answered the Complaint nor otherwise appeared in this action. Accordingly, it is hereby ORDERED that any motion for default judgment shall be filed, in accordance with the Court’s Individual Rules and Practices for Civil Cases (available at <https://nysd.uscourts.gov/hon-jesse-m-furman>) no later than **January 6, 2020**. Citibank shall file any opposition to the motion for default judgment no later than **January 13, 2020**. Citibank is cautioned that a corporation may appear in federal court only through licensed counsel, and “where a corporation repeatedly fails to appear by counsel, a default judgment may be entered against it.” *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (internal quotation marks omitted).

If a motion for default judgment is filed, it is further ORDERED that Citibank appear and show cause before this Court, Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York, on **January 29, 2020**, at **3:00 p.m.**, why an order should not be

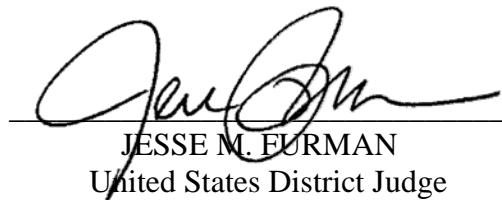
issued granting a default judgment against Citibank. Prior to that date, Plaintiff must file the proposed default judgment order electronically, using the ECF Filing Event “Proposed Default Judgment,” for the Clerk’s approval.

In the event that Citibank appears or opposes the motion for default judgment prior to that date, the parties shall prepare to treat that conference as the initial pretrial conference. That is, if Citibank appears, opposes the motion, or seeks a *nunc pro tunc* extension of time to respond to the complaint, then the parties — including Citibank — shall follow the pre-conference procedures specified in the Court’s Order of October 17, 2019, including by submitting a joint letter addressing certain topics and a proposed case management plan no later than the Thursday prior to the conference. *See* ECF No. 6.

The Clerk of Court is directed to terminate Equifax Information Services, LLC as a party. The conference scheduled for January 15, 2020 is canceled.

SO ORDERED.

Dated: December 12, 2019
New York, New York



JESSE M. FURMAN
United States District Judge